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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/41/66-B

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F. 7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Education Department (Non-Gazetted, Non-Ministerial posts) Recruitment Rules, 1966, issued under Notification dated 23rd July, 1966 and published in Government Gazette Series I, No. 21 dated 25th August, 1966 namely: —

1. *Short Title and Commencement.* — (i) These rules may be called Goa Government, Education Department (Non-Gazetted, Non-Ministerial posts) Recruitment (Third Amendment) Rules, 1969.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification: —

(i) Against the post at Serial No. 33 after the existing entry in column 7 add: —

“Note: — For teachers appointed prior to August 1966 from private schools the percentage of 50 for P. S. C. and Upper age limit is relaxable for absorption in Government service due to closure of the Schools in which they were working. They should however have 5 years of service in the school/Institution that is closed”.

(ii) Against the post of Assistant Teacher/Junior Instructor at Serial No. 34 for the existing entry in column 6 substitute:

“Below 35 years”.

(iii) Against the post of Teacher/Senior Instructor at Serial No. 42 for the existing entry in column 6 substitute:

“Below 35 years”.

K. N. Srivastava

Chief Secretary

Panaji, 5th September, 1969.

14th Bhadra, 1891.

Notification

OSD/RRVS/16/67

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated 25th July, 1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Directorate of Information and Tourism (non-gazetted posts) Recruitment Rules, 1966 issued under Notification dated 10th August, 1966 and published in the Government Gazette Series I, no. 26 dated 29th September, 1966 namely:

1. *Short title and Commencement.* — (i) These rules may be called the Goa Government, Directorate of Information and Tourism (Non-gazetted posts) Recruitment (Second Amendment) Rules, 1969.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification, against the post of Teleprinter Operator appearing at Serial no. 6,

(i) For the existing entry in column 10 substitute:

“By Direct recruitment or by Transfer”.

(ii) For the existing entry in column 11 substitute:

“Transfer. — Lower Division Clerks in the Department having knowledge of operating Teleprinter Machine.”

K. N. Srivastava

Chief Secretary

Panaji, 5th September, 1969.

Notification

OSD/RRVS/30/66

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F. 7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Excise Department, Superintendent of State Excise, Excise Officer and Class III (non-ministerial, non-gazetted posts) Recruitment Rules, 1966 issued under Notification dated 16th June, 1966 and published in Government Gazette Series I, No. 18 dated 4th August, 1966, namely:—

1. *Short Title and Commencement.*— (i) These rules may be called Goa Government, Excise Department, Superintendent of State Excise, Excise Officer and Class III (non-ministerial, non-gazetted posts) Recruitment (First Amendment) Rules, 1969.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification against the post of Inspector of Excise appearing at Serial No. 2, for the existing entry in column 11 substitute:—

"Promotion:—

66⅔% from amongst the Upper Division Clerks and other similar posts in the Department in the scale of Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300 and 33⅓% from amongst the Sub-Inspectors Excise, with 3 years standing in the respective grades and having qualified in the Departmental Examination".

K. N. Srivastava

Chief Secretary

Panaji, 9th September, 1969.

18th Bhadra, 1891.

Home Department 'A'

Notification

HD-78-15088/67-A

Notification No. G. S. R. 792 dated 3rd March, 1969 from the Government of India, Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) New-Delhi is hereby republished in Government Gazette for information of general public.

S. B. Deshpande, Under Secretary (Home).

Panaji, 2nd September, 1969.

New-Delhi, the 3rd March, 1969

Notification

G. S. R. 792 In exercise of the powers conferred by sections 5 and 6 of the Oil fields (Regulation and Development) Act, 1948 (53 of 1948), the Central Government hereby makes the following rules

further to amend the Petroleum and Natural Gas Rules, 1959, namely:—

1. (i) These rules may be called the Petroleum and Natural Gas (Amendment) Rules, 1969.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 14 of the Petroleum and Natural Gas Rules, 1959, in sub-rule (1), in clause (a),—

- (i) for the words "seven rupees fifty paise", the words «ten rupees» shall be substituted;
- (ii) for the second proviso, the following proviso shall be substituted, namely:—

«Provided further that such royalty shall not be payable in respect of any crude oil, casing-head condensate or natural Gas which is unavoidably lost or is returned to the reservoir or is used for drilling or other operations relating to the production of petroleum or natural gas or both".

(No. 13/1/69-Lab)

I. M. SAHAI

Deputy Secretary to the Govt. of India.

Finance (Revenue) Department

Notification

Fin(Rev)/2-31/part/1/1856/69

In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) as extended to the Union Territory of Goa, Daman and Diu, the Lt. Governor of Goa, Daman and Diu is pleased to reduce to ½ the stamp duty chargeable under art. 24(i) of the Schedule I-A appended to the Indian Stamp (Goa, Daman and Diu Amendment) Act, 1968 in respect of clearance certificates to be issued to those applicants who applied to the Commissioner of Revenue and Taxes on or before 30-6-1969 for the said certificates attaching the stamp paper of 50 paise for the purpose of refund of local taxes repealed in view of enforcement of Income Tax Act.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 9th September, 1969.

Bhadra 18, Saka 1891.

Notification

Fin(Rev)/2-41/929/69

In exercise of the powers conferred by Section 14 of the Goa, Daman and Diu Entertainment Tax Act, 1964, read with section 3(A) of the said Act, the Government of the Union Territory of Goa, Daman and Diu hereby makes the following Rules so as to amend the Goa, Daman and Diu Entertainment Tax

Rules, 1965 the same having been previously published as required by Section 14(1) of the Goa, Daman and Diu Entertainment Tax Act 1964 namely:—

1. **Short title and commencement.**— (i) These rules may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Rules, 1968.

(ii) They shall come into force at once.

2. **Amendment of Rules.**— In rule 2 of the Goa, Daman and Diu Entertainment Tax Rules, 1965 (hereinafter referred to as the "Principal Rules") the following definition shall be added after (iv) namely:—

(v) "Drama" means a composition in prose or verse arranged for enactment by actors on a stage and intended to portray life or character or to tell a story by means of dialogue and actions of the enactors and include opera, ballet and dance-drama.

(vi) "Theatrical performance" means any performance on a stage of or relating to theatre or to the acting or presentation of plays and include music and dance.

3. After rule 24 of the Principal Rules, the following rules shall be inserted, namely:—

"24(A).—Procedure for determining the question of game, sport or theatrical performance under Section 3(A).— (1) If any question arises whether an entertainment is a game or sport or a theatrical performance other than a drama, the Commissioner may call upon the proprietor of such entertainment to furnish such particulars as he deems necessary for the purpose and shall cause a notice to be served on the proprietor asking him to be present on such date and such time and place as may be specified in the notice with all the papers relevant to the enquiry.

(2) After notices are served in accordance with the provisions of sub-rule (1) the Commissioner shall after a summary enquiry proceed to decide the question.

(3) If the Proprietor fails to appear on the date, time and place so fixed when the case is called for hearing, the Commissioner may decide the question on such material as is available to him.

(4) Where the question is decided under sub-rule (3), the proprietor may apply, within 30 days from the date of the order communicated to him, for setting aside the order of the Commissioner, if he is satisfied that there was sufficient cause for non-appearance, when the case was called for hearing, shall make an order setting aside the earlier order and shall fix a date for proceeding with the enquiry and arriving at a decision.

24(B).—Procedure and manner of preferring an appeal under sub-section (2) of Section 3A.—

(1) An appeal under sub-section (2) of section 3A of the Act shall be preferred within 10 days from the date on which the order of the Commissioner under sub-section (1) of section 3A of the Act is communicated. The appeal shall

be in the form of a memorandum and shall bear a Court fee stamp of fifteen rupees.

(2) On receipt of the appeal under sub-rule (1), the Government shall cause a notice to be served on the appellant, asking him to be present on such date and such time and place as may be specified in the notice with all the papers relevant to the hearing of the appeal.

(3) After notices are served in accordance with the provisions of sub-rule (2) the Government shall, after the hearing, proceed to determine the appeal.

(4) If the appellant fails to appear on the date fixed, time and place when the case is called for hearing, the Government may dismiss the application for default or proceed to decide the appeal in the absence of the party with material before him.

(5) Where the appeal is dismissed under sub-rule (4) the appellant shall be precluded from making a fresh appeal on the same facts with respect to the same performance. But the appellant may apply within 30 days from the date of the order of dismissal communicated to him for setting aside the dismissal and the Government, if it is satisfied that there was sufficient cause for non-appearance when the case was called for hearing, shall make an order setting aside the order of dismissal upon such terms as it thinks fit and shall fix a date for hearing of the appeal.

(6) In any decision given in appeal, whatever may be its grounds, the Government shall always decide whether the entertainment in dispute is a game or sport or a theatrical performance other than a drama and may, to decide it, require further information or particulars from the appellant or any other person:

Provided that the provisions of sub-rule (6) shall not be applicable in case where the appeal is rejected on any preliminary objection.

24(C).—Refund of Entertainment Tax.— If as the result of the decision under rule 24(A) or rule 24(B) or exemption granted on application for any entertainment the proprietor of such entertainment is entitled to refund of any amount of entertainment tax already paid or part thereof, he may apply to the Commissioner within three months from the date of communication of such decision or order, as the case may be, for refund of such amount and the Commissioner, after proper scrutiny, shall refund the amount due.

4. In rule 30 of the Principal Rules, for the existing sub-rule (1) the following shall be substituted namely:—

"(1) All soldiers, sailors and airmen serving in the defence forces of India, shall be exempt from Entertainment Tax, in the manner and to the extent as specified below, provided that a person claiming exemption under this Rule if he is in Mufti shall produce his Identity Card and a certificate in Form "J" annexed to these rules duly signed by an officer of his unit and

not below the rank of a Junior Commissioned Officer:

(a) When they visit a military cinema—full exemption.

(b) when they visit any other cinema.

(1) Full exemption, where the payment for admission does not exceed Rs. 2/-.

(2) Exemption to the extent of 50 percent of the Entertainment Tax where the payment for admission exceeds Rs. 2/-.

5. In the Schedule of the Principal Rules, the following form shall be added at the end.

FORM "J"

(See Rule 30)

Form of certificate prescribed under Rule 30(1) for claiming exemption from Entertainment Tax

No.

Certified that the holder of this; Shri ... Rank ..., No. ... is a member of the regular Indian Armed Forces. He may be exempted from the payment of Entertainment Tax leviable under the Goa, Daman and Diu Entertainment Tax Act, 1964.

(Signature of the issuing Officer with designation)

Station ...

Dated ...

After checking the Identity Card of the holder and on the authority of this certificate this soldier was issued ticket No. ..., Dated

(Signature of the Proprietor or Manager).

Dated: ...

Name and place of the Entertainment House ...

Note.—(1) The certificate is valid only for the date and place specified therein.

(2) The certificate must be signed by an Officer not below the rank of a Junior Commissioned Officer of the Unit in which the holder is working.

(3) The holder of this certificate must be in possession of his identity card, which shall be shown to the Manager of the entertainment house before purchasing the ticket and shall also be produced, on demand, before the checking officer duly authorized under Section 6 of the Goa, Daman and Diu Entertainment Tax Act, 1964.

(4) It shall be collected and kept for inspection by the Manager of the Entertainment House.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 12th September, 1969.

Saka 21st, Bhadra 1891.

Law and Judicial Department

Notification

LD/2/N/36/69

The West Bengal Legislative Council (Abolition) Act, 1969 which was recently passed by the Parliament and assented to by the President of India on 25th July, 1969 is hereby published for general information of the public.

M. S. Borkar, Under Secretary.

Panaji, 19th August, 1969.

The West Bengal Legislative Council (Abolition) Act, 1969

AN

ACT

to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the West Bengal Legislative Council (Abolition) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) "article" means an article of the Constitution;

(c) "Council" means the Legislative Council of the State of West Bengal;

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of West Bengal;

(e) "Legislative Assembly" means the Legislative Assembly of the State of West Bengal.

3. **Abolition of the Council.**—(1) The Legislative Council of the State of West Bengal is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. **Amendment of article 168.**—In sub-clause (a) of clause (1) of article 168, for the words "Uttar Pradesh and West Bengal", the words "and Uttar Pradesh" shall be substituted.

5. **Amendment of Act 43 of 1950.**—In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 9 relating to West Bengal shall be omitted;

(b) in the Fourth Schedule, the heading "West Bengal" and the entries thereunder shall be omitted.

6. **Repeal of Delimitation of Council Constituencies (West Bengal) Order, 1951.**—The Delimitation of Council Constituencies (West Bengal) Order, 1951, is hereby repealed.

7. **Provision as to pending Bills.**—(1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of West Bengal in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. Power to adapt laws.—The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, make such adaptation and modifications of any law made before such commencement, whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Power to construe laws.—Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

Notification

LD/2/N/42/69

The Indian Railways (Amendment) Act, 1969 which was recently passed by Parliament and assented to by the President of India on 8th August, 1969 is hereby published for general information of the public.

G. V. Ratnam, for Under Secretary.

Panaji, 8th September, 1969.

17th Bhadra, 1891.

The Indian Railways (Amendment) Act, 1969

AN

ACT

furtherto amend the Indian Railways Act, 1890.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Indian Railways (Amendment) Act, 1969.

2. Amendment of section 112.—In the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), in section 112,—

(a) in sub-section (1), for the words “which may extend to one hundred rupees”, the words “which shall not be less than ten rupees but which may extend to five hundred rupees” shall be substituted;

(b) in sub-section (1A), for the words “fifty naye paise”, the words “ten rupees” shall be substituted.

3. Amendment of section 113.—In section 113 of the principal Act, in sub-section (3),—

(a) in the opening paragraph, for the words “fifty naye paise”, the words “ten rupees” shall be substituted;

(b) in the first proviso, for the words “nearest multiple of five naye paise, or fifteen naye paise”, the words “nearest multiple of five paise, or five rupees” shall be substituted.

4. Repeal and saving.—(1) The Indian Railways (Amendment) Ordinance, 1969, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 10th day of June, 1969.

Local Self Government Department

Notification

LSG/MUN/1435/69

The following draft Goa, Daman and Diu Municipalities (Cooptation of Councillors) Rules, 1969 which are proposed to be framed under the Goa, Daman and Diu Municipalities Act, 1968, are hereby pre-published as required by Sub-section 3 of Section 306 of the said Act. The draft rules will be taken into consideration after a period of 15 days. Any person who has any suggestions to make may send them to the undersigned on or before that date.

In exercise of the powers conferred by sub-section (2) of Section 306, read with sub-section (1) of sections 9, 50 and sub-section (7) of section 52 of the Goa, Daman and Diu Municipalities Act, 1968 (Act No. 7 of 1969) and of all other powers enabling it in that behalf the Government of Goa, Daman and Diu hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 306, namely:—

1. Short title.—These rules may be called the Goa, Daman and Diu Municipal Councils (Cooptation of Councillors) Rules, 1969.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa, Daman and Diu Municipalities, Act, 1968;

(b) "continuing candidates" means any candidate not elected and not excluded from the poll at any given time;

(c) "count" means —

- (i) all the operations involved in the counting of the first preferences recorded for candidates; or
- (ii) all the operations involved in the transfer of the surplus of an elected candidate; or
- (iii) all the operations involved in the transfer of the total value of votes of an excluded candidate;

(d) "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to have become exhausted whenever —

- (i) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or
- (ii) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(e) "first preference" means the figure 1 set opposite the name of a candidate; "second preference" means the figure 2 set opposite the name of a candidate; "third preference" means the figure 3 set opposite the name of a candidate, and so on;

(f) "original vote", in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for such candidate;

(g) "presiding authority" means the President, the Vice-President or any Councillor presiding at the meeting of the Council at which co-option of Councillors is to be made;

(h) "section" means a section of the Act;

(i) "surplus" means the number by which the value of the votes, original and transferred, of any candidate exceeds the quota calculated in accordance with rule 11;

(j) "transferred vote", in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate;

(k) "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate;

(l) words or expressions used in these rules, but not defined, shall have the meanings, respectively, assigned to them in the Act.

3. Filing of nominations. — (1) Not later than twelve noon on the working day immediately preceding the day fixed for the meeting of the Council at which co-option of Councillors is to be made, any elected Councillor may nominate any person as a candidate, who is eligible for being co-opted, by delivering to the Chief Officer a nomination paper, in the Form appended to these rules, duly filled

in and signed by himself as proposer. The declaration therein shall be signed by the candidate.

(2) On receipt of a nomination paper, the Chief Officer shall duly fill in the endorsement on the Form.

(3) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper.

4. Scrutiny of nominations and withdrawal of candidature. — (1) At the commencement of the proceedings for co-option, the presiding authority shall scrutinise all nomination papers received by the Chief Officer and record his decisions thereon. The presiding authority shall not reject any nomination paper on the ground of any defect, which is not of a substantial character. If any nomination paper is rejected by the presiding authority, he shall record in writing, a brief statement of his reasons for such rejection. He shall then read out to the meeting the names of the candidates, who in his opinion have been validly nominated, together with the names of their proposers.

(2) Any candidate whose nomination paper is delivered to the Chief Officer may attend the meeting from the commencement of the proceeding for co-option till the time for withdrawal of candidature expires.

(3) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the presiding authority within fifteen minutes from the time of reading out the names of validly nominated candidates. Such notice may be delivered either by the candidate in person or by his proposer duly authorised by the candidate in this behalf.

(4) No candidate who has delivered or caused to be delivered such notice shall be allowed to cancel it.

(5) The presiding authority shall, on being satisfied as to the genuineness of a notice of withdrawal and identity of the person delivering it, read out to the Councillors present at the meeting the names of the candidates who have withdrawn their candidature.

5. Procedure for co-option. — (1) If the number of validly nominated candidates who have not withdrawn their candidature is equal to or less than the number of persons to be co-opted, the presiding authority shall forthwith declare all such candidates to be duly co-opted, and the remaining Councillor or Councillors (if any) may be co-opted at any subsequent meeting.

(2) If the number of validly nominated candidates who have not withdrawn their candidature is more than the number of persons to be co-opted, the elected Councillors present at the meeting may proceed to co-opt the persons in the manner hereinafter specified or if the presiding authority so decides the meeting be adjourned and co-option may be made at the adjourned meeting.

(3) The co-option of persons shall be made in accordance with the system of proportional representation by means of the single transferable vote and the voting for the purpose by the elected Councillors shall be by secret ballot. The presiding authority shall

furnish each elected Councillor at the meeting with a ballot paper prepared in the following form:—

BALLOT PAPER

The Municipal Council

Name of persons validly nominated for co-option and who have not withdrawn their candidature	Order of preference.
--	----------------------

1.
2.
3.
4.

etc.

Signature of the Presiding Authority.

Date

(a) Names of the contesting candidates shall be arranged on the ballot paper in alphabetical order determined with reference to the surnames of the candidates having surnames, and the names proper of other candidates. The particulars in the ballot paper and the alphabetical order to be followed shall be in English as provided for in clause (12) of section 78 of the Act, for keeping the minutes.

(b) Each ballot paper shall be signed by the presiding authority.

6. Method of voting.— (1) Every elected Councillor shall have only one vote at the election irrespective of the number of persons to be co-opted as Councillors.

(2) Councillor giving his vote—

(a) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he wishes to vote in the first instance; and

(b) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or the figures 2, 3 and 4 and so on in the space opposite the names of the other candidates in the order of his preference.

7. Voting procedure.— (1) The Councillor on receiving the ballot paper shall forthwith—

(a) proceed to the voting compartment;

(b) record his vote in accordance with sub-rule (2) of rule 6;

(c) fold the ballot paper so as to conceal his vote;

(d) insert the folded ballot paper into the ballot box.

(2) Every Councillor shall vote without undue delay and quit the voting compartment.

(3) No Councillor shall be allowed to enter a voting compartment when another Councillor is inside it.

8. Scrutiny of ballot papers.— (1) As soon as may be after the voting is over, the presiding authority shall, in the presence of the Councillors present, proceed to scrutinise the ballot papers taken out of the ballot box and separate the ballot papers which he deems valid from those which he rejects endorsing

on each of the latter the word "Rejected" and the ground of rejection.

(2) A ballot paper shall be invalid on which—

(a) the figure 1 is not marked; or

(b) the figure 1 is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(c) the figure 1 and some other figures are set opposite the name of the same candidate; or

(d) there is any mark or writing by which the Councillor casting the vote can be identified.

9. Arrangement of valid ballot papers in parcels.— After rejecting the ballot papers which are invalid, the presiding authority shall—

(a) arrange the remaining ballot papers in parcels according to the first preference recorded for each candidate;

(b) count and record the number of papers in each parcel and the total number; and

(c) credit to each candidate the value of the papers in his parcel.

10. Counting of votes where only one person is to be co-opted.— (1) At any election where only one person is to be co-opted as a Councillor, every valid ballot paper shall be deemed to be of the value of 1 at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

(a) add the value credited to all the candidates under clause (c) of rule 9;

(b) divide the total by 2; and

(c) add 1 to the quotient ignoring the remainder, if any, the resulting number is the quota.

(2) If, at the end of the first or any subsequent count, the total value of the ballot papers credited to any candidate is equal to, or greater than, the quota or there is only one continuing candidate, that candidate shall be declared elected.

(3) If, at the end of any count, no candidate can be declared elected, the presiding authority shall—

(a) exclude from the poll the candidate who upto that stage has been credited with the lowest value;

(b) examine all the ballot papers in his parcel and sub-parcels, arrange the unexhausted papers in sub-parcels according to the next available preferences recorded thereon for the continuing candidates, count the number of papers in each such sub-paragraph and credit it to the candidate for whom such preference is recorded, transfer the sub-paragraph to that candidate, and make a separate sub-paragraph of all the exhausted papers; and

(c) see whether any of the continuing candidates has, after such transfer and credit, secured the quota.

(4) If, when a candidate has to be excluded under clause (a) of sub-rule (3), two or more candidates have been credited with the same value and stand lowest on the poll, the candidate for whom the lowest number of original votes are recorded shall be excluded, and if this number also is the same

in the case of two or more candidates, the presiding authority shall decide by lot which of them shall be excluded.

11. Ascertainment of quota when more than one person is to be co-opted. — At any election where more than one person is to be co-opted as a Councillor, every valid ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows: —

(a) add the values credited to all the candidates under clause (c) of rule 9;

(b) divide the total by a number which exceeds by 1 the number of persons to be co-opted as Councillors; and

(c) add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.

12. General instruction. — In carrying out the provisions of rules 13 to 17 the presiding authority shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

13. Candidates with quota elected. — If at the end of any count or at the end of the transfer of any parcel or sub-paragraph of an excluded candidate the value of the ballot papers credited to a candidate is equal to, or greater than the quota, that candidate shall be declared elected.

14. Transfer of surplus. — (1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred, in accordance with the provisions of this rule, to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the electing Councillor's preference.

(2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that, every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom most original votes are recorded, shall have his surplus first distributed; and if the value of their original votes are equal, the presiding authority shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the presiding authority shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-paragraph of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-paragraph and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the presiding authority shall re-examine all the papers in the sub-paragraph last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-paragraph of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

15. Exclusion of candidates lowest on the poll. —

(1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the presiding authority shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon; and any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer but not a separate count.

(5) If, as a result of the transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed but no further papers shall be transferred to him.

(6) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such co-option is made either by the election of a candidate with the quota or as hereinafter provided.

(7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be excluded; and if the values of their original votes are equal the candidate with the smallest value at the earliest count at which these candidates had unequal values shall be excluded.

(8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts the presiding authority shall decide by lot which candidate shall be excluded.

16. Filling the last vacancies.— (1) When at the end of any count the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When at the end of any count only one vacancy remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the presiding authority shall decide by lot which of them shall be excluded; and after excluding him in the manner aforesaid, declare the other candidate to be elected.

17. Provision for re-counts.— (1) Any Councillor present at the meeting may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the presiding authority to re-examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the presiding authority shall forthwith re-examine and re-count the same accordingly.

(2) The presiding authority may in his discretion re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that, nothing in this sub-rule shall make it obligatory on the presiding authority to re-count the same votes more than once.

18. Declaration of results.— Upon the completion of counting, the presiding authority shall forthwith declare the result of the election.

19. Publication of results.— When any candidates are declared to be duly co-opted under these rules, the names of such co-opted Councillors shall, as soon as may be, be reported by the President to the Director for publication in the Official Gazette.

20. Casual vacancies.— When a seat of a co-opted Councillor becomes vacant, the provisions of these rules shall *mutatis mutandis* apply for filling the vacancy.

Form of Nomination Paper for Co-option as Councillor
(See rule 3)

1. Name of the Municipal Council ...
2. Full name of the candidate (beginning with surname, if any) ...
3. Full residential address of the candidate ...
4. Age of the candidate ...
5. Sex of the candidate ...
6. Electoral roll number of the candidate ...
7. Details of special knowledge or practical experience of the candidate, in the field

of public health, Local Self Government or education ...

8. Full name of the proposer beginning with surname, (if any) ...

9. Full residential address of the proposer ...

Date ...

Signature of the Proposer

DECLARATION BY THE CANDIDATE

I, the abovenamed candidate, give my consent to the nomination for co-option as a Councillor of the ... Municipal Council.

Date ...

Signature of the Candidate

Endorsement of the Chief Officer

Serial number of the nomination paper ...

This nomination paper was delivered to me by ... (name of proposer) at my office at ... (hour) on ... (date).

Date ...

Signature of the Chief Officer

By order and in the name of the Administrator of Goa, Daman and Diu.

A. N. Dixit, Secretary to Government.

Panaji, 12th September, 1969.

Development Department 'A'

Notification

CDB/Coop/1171/68-69

In exercise of the powers conferred by Section 31 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 as extended to the Union Territory of Goa, Daman and Diu, the Administrator of Goa, Daman and Diu hereby fixes Re. 0-20 as the minimum and Re. 0-50 as the maximum rates of market fees per Rs. 100/- (Rupees hundred only) worth of agricultural produce purchase, that a Market Committee can levy the fees on every purchase of agricultural produce marketed in its market area.

This issues with the concurrence of Finance Department vide their u. o. No. Fin(Expdr)/3656/69 dated 2-8-1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. N. Dhumak, Under Secretary (Development).

Panaji, 6th September, 1969.

15 Bhadra, 1891.

Labour and Information Department

ORDER

LC/12/EPF/69/779

The following notifications from the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment), New Delhi issued under the Employees' Provident

Funds Act, 1952 are hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 3rd September, 1969.

Dated 23rd May, 1969

Notification

S. O. — Whereas the establishments under the control of the Ministry of Defence, Government of India (Hereinafter referred to as the said establishments) have applied for exemption under clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And Whereas, the employees of the said establishments are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952) and the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Act and the said Scheme respectively) in relation to employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts, with immediate effect, the said establishments from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that the said establishments shall pay within fifteen days of the close of each month to the Employees' Provident Fund inspection charges at the rate of 0.09 per cent (Zero point zero nine per cent) of the pay (Basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishments who would have become members under the said Scheme but for this exemption.

SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of account or Pass Book.
3. All expenses involved in the administration of the Fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.
4. Where an employee who is already a member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.
5. The employer shall enhance the rate of Provident Fund contribution appropriately if the rate of provident fund contributions for the class of establishments in

which his establishment falls is enhanced under the said Act, so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

6. Notwithstanding anything contained in the Provident Fund rules of the establishment, if the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer's and employees' contributions plus interest thereon taken together with the amount, if any, payable under the Gratuity/Pension Rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the provident fund under the Employees' Provident Funds Scheme, 1952, the employer shall pay the difference to the member as compensation/special contribution.
7. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

11(10)/62-PF. II

DALJIT SINGH

Under Secretary

Dated 3rd June, 1969

Notification

S. O. — In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1220, dated the 19th March 1969, the Central Government hereby appoints Shri R. R. Savoor to be an Inspector for the territories to which the said Act extends for the purposes of the said Act or of any Schemes framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

15/5/69-PF. I(ii)

DALJIT SINGH

Under Secretary

Dated 3rd June, 1969

Notification

S. O. — In exercise of the powers conferred by sub-section (1) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1219, dated the 19th March, 1969, the Central Government hereby appoints Shri R. R. Savoor as the Central Provident Fund Commissioner with effect from the 1st April 1969.

15/5/69-P.F. I(i)

DALJIT SINGH

Under Secretary

Dated 11th June, 1969

Notification

G. S. R. — In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely: —

1. This Scheme may be called the Employees' Provident Funds (Second Amendment) Scheme, 1969.

2. In the Employees' Provident Funds Scheme, —

(i) in clause (b) of sub-paragraph (3) of paragraph 1, sub-clause (lxiv) shall be renumbered as sub-clause (lxv) and before sub-clause (lxv) as so re-numbered, the following sub-clause shall be inserted, namely: —

"(lxiv) as respects ice or ice cream industry come into force on the 30th day of June, 1969".

(ii) in clause (KK) of paragraph 2, for the words "or fire works and percussion cap works industry," the words "fire works and percussion cap works industry or ice or ice cream industry" shall be substituted.

4/5/II/63-PF-II

DALJIT SINGH
Under Secretary.

Dated 11th June, 1969

Notification

G. S. R. — Whereas the Central Government is of the opinion that a provident fund scheme should be framed under the Employees' Provident Funds Act, 1952 (19 of 1952), in respect of the employees of the ice or ice cream industry;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Employees' Provident Funds Act, 1952 (19 of 1952), The Central Government hereby adds the said industry to Schedule I to the said Act.

This notification shall come into force on the 30th June, 1969.

4/5/I/63-PF-II

DALJIT SINGH
Under Secretary.

Dated 27th June, 1969

Notification

S. O. — Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Agencia Commercial Maritima, Damodar, Vasco-da-Gama, Goa have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, Therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1967.

8/31/69/PF-II

DALJIT SINGH
Under Secretary.

Dated 2nd July, 1969

Notification

S. O. — Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Chowgule Engineering Company Private Limited, Chowgule House, Post Box No. 6, Mormugao Harbour, Goa have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, Therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1968.

8/38/69/PF-II

DALJIT SINGH
Under Secretary.

Dated 3rd July, 1969

Notification

S. O. — In exercise of the powers conferred by sub-paragraph (1) of paragraph 22 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the Central Provident Fund Commissioner, Employees' Provident Fund, as the Secretary to the Central Board of Trustees set up under the notification of the Government of India in the late Department of Social Security No. S. O. 1156 dated the 1st April, 1965.

12/2/68/PF-II

DALJIT SINGH
Under Secretary.

Dated 3rd July, 1969

Notification

S. O. — In pursuance of the provisions of clause (c) of sub-section (3) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour No. S. R. O. 1642 dated the 25th August, 1953, the Central Government hereby specifies the period of three months from the date on which the information of the re-employment of an employee in another establishment to which the said Act applies is received, as the time within which the amount of accumulations to the credit of the employee in the provident fund of the establishment left by him, shall be transferred

to the credit of his account in the provident fund of the establishment in which he is re-employed or, as the case may be, in the Fund established under the Scheme applicable to the establishment.

11(73)/67-PF.II

DALJIT SINGH
Under Secretary.

Mormugao Port Trust

Notification

MPT/8-GA(4)/69

As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the

Central Government vide Ministry of Shipping and Transport's letter No. 7-PE(17)/67 dated the 14th August, 1969, have accorded approval to the Mormugao Port Employees' (Medical Attendance) Regulations, 1969 published in the Government Gazettes Nos. 14 and 15, Series I, dated the 3rd and 10th July, 1969 respectively.

The Regulations will come into force from the date of publication of this notification.

By order,

Shivakumar Dhindaw
Secretary

Mormugao, 6th September, 1969.